

Remarks

In the Office Action dated 22 September 2004 the Examiner objected to the disclosure due to lack of antecedent basis for terms in Claims 1 and 8. Claims 1 and 8 have now been appropriately amended to overcome this objection.

The Examiner has also rejected Claims 15 and 17-19 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More particularly, the Examiner asserts that the language "in a normal way" found in Claims 15 and 17 is unclear. Claims 15 and 17 have now been amended to remove the unclear language.

The Examiner has rejected Claims 1-19 and 21 under 35 USC 103(a) as being unpatentable over US Patent No. 5,857,532 to Satzler in view of US Patent No. 3,877,537 to Ohms et al. It is respectfully submitted that Claim 1 is not obvious in view of Satzler and Ohms et al. The Examiner has recognized that Satzler does not disclose a mode control valve as required by Claim 1, but the Examiner asserts that Ohms et al. discloses a feature (68) that would be obvious to include with the device of Satzler. While the Examiner states that it would be desirable to combine the element (68) of Ohms et al. with the device of Satzler in order to provide a manual, and fail safe means by which the emergency steering may be actuated to increase safety and comfort, it is respectfully submitted that such a motivation does not exist and even if combined the references fail to suggest the claimed invention. More particularly, the device of Satzler already provides a fail safe means for steering using the brakes in the event of pump or engine failure (see column 6, lines 20-29) so there would be no motivation to combine the feature 68 of Ohms et al. with Satzler to provide emergency fail-safe steering. Further, it is submitted that the addition of a manually operated valve such as disclosed by Ohms et al. would not be desired for fail safe operation as it would require the operator to manually actuate the valve to engage emergency steering, both the present invention and the device of Satzler accomplish this automatically. Additionally, the device of Ohms et al. is a manually operated pneumatic valve which actuates a cylinder to move two other valves 26 and 28 into and out of engagement with a steering control rod 14 so that

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steering by brake can be accomplished when the operator actuates the valve 68 and disengaged to prevent valve wear when steering by brake is not needed. The desirability of to add such a device to the device of Satzler is not present. The Examiner has not indicated how the device of Ohms et al. can be combined with that of Satzler to create a desirable system for emergency braking i.e. what purpose would be served by adding a device such as Ohms et al. to that of Satzler. The only place to find such a suggestion is in the present application. It is submitted that the Examiner is engaging in hindsight reconstruction of the claimed invention, using the applicant's structure as a template and selecting elements from references to fill the gaps.

The Examiner has also rejected Claim 20 under 35 USC 103(a) as being unpatentable over Satzler in view of Ohms et al., and further in view of US Patent No. 6,527,070 to Ryan. For the reasons set forth above with respect to Claim 1 it is submitted that Claim 20 is patentable over the combination of references.

In conclusion, it is believed that this application is in condition for allowance, and such allowance is respectfully requested.

Should the Examiner believe that a telephonic conference would be useful in furthering the present application toward allowance, the undersigned attorney would welcome such a call.

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Respectfully,



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